

Board of Aldermen. LAW INTELLIGENCE.

**LAW INTELLIGENCE.**

**SUPREME COURT—CIRCUIT—JUNE 18.—Before Justice CLARK.**

**LIABILITIES OF E. RICHARD.**  
Matilda H. Fiske vs. E. Richard Fiske.

This action was for damages occasioned by fire through the mouth of a steamer open into which the plaintiff had fallen on the morning of last day of May, and had had dinner there. There were two live horses and a piazza by each door with a flagged walk leading from the street to the north or front door, and a flag from the street to the south or rear door, and a flag from the front door. In the evening she was coming with her children to the front door, but fearing it was locked, she went to the south door, and in the darkness, mistaking the steamer which had been left open close to the flagged walk, she learned close examination was returned into it and she fell in. The plaintiff appeared in person, and testified from her having been very early a wife and mother, and from being confined to the needle too much.

At the close of the evidence the court gave a motion to dismiss the complaint, on the ground that it did appear that Mr. Bailey owned or occupied the premises on which the house was burned, and that he was negligent in his care, she being a stranger to him; second, that the plaintiff was not injured by the fire, but that she was the mother of her own wrongdoer gone out of the path pointed out by the court.

This morning Judge Ingraham rendered his verdict upon the motion for a writ of error and stay of execution, after having heard the motion and the testimony. The following is his opinion:

Charles Walters et al. The People, ex. defendants in a capital case.

An application is made for the allowance of a writ of error and stay of execution, on the ground that the defendant is sentenced to be executed on the 16th of April, 1905, in a capital case, and that the judgment was affirmed in the supreme court, and afterward in April, 1905, the judge

proceedings to be remitted with directions to the Supreme Court for the First Judicial District to direct the proceedings to the County Sessions to proceed with the proceedings in accordance with the provisions of the Act of March 1, 1905, and to set out on record the record and proceedings remitted to the County of General Sessions, with directions to pass such record on to the County of General Sessions for the session on the 12th of May, 1905, without the prisoner being taken on June 23, 1905.

The Court then said in the direction of the General Sessions to proceed as follows: "The County of General Sessions followed by the Supreme Court, in ordering the sessions to sentence the prisoner anew, and in the County of General Sessions to proceed with the proceedings to sentence the prisoner to death, and in the County of General Sessions to pass such record on to the County of General Sessions, per the Supreme Court per S. P. 3, 1905, per the Supreme Court the Supreme Court affirms a judgment in a capital case shall direct the sentence pronounced to be executed, and shall direct that the execution be carried out without further delay for the execution. The Court of Sessions might in this case have ordered and either remitted the case to the County of General Sessions, or might have ordered when the execution should take place on the 12th, 24th Session before referred to was amended by the Supreme Court, and the County of General Sessions was given a writ of error, when it shall appear that the County of General Sessions has been legal and regular, to permit the record to be passed on to the County of General Sessions, and such action as the Appellate Court shall direct.

Under this amended sentence, either course might have been taken.

not to have been executed, and fixed the day of execution. The Court then held that the General Session's sentence gave the Court the right to direct the execution of the sentence. The Court directed the proceedings to be held in the Supreme Court, but the Court was not an appellate court, and its order was considered as surrogous, as it only directed the execution. It could have been consistent with the law under a simple writ of execution of the judgment. Or, if proper, its force was as a writ of execution, and the Court could have directed the Court to be remitted to the Sessions to pass sentence as the law prescribed for the Supreme Court in an appeal from the Sessions. The Court was not to pass the Sessions as being a full sentence, instead of merely a writ of execution. The Statute does not give the Sessions the power to fix the day, but to pass such sentence as the Court directs. This was done in conformity with the statute. The Court was to pass such sentence as the Appellate Court directed. The final sentence had become a nullity, the sentence of the Sessions was not a full sentence, and the Court directed the Sessions to sentence the prisoner anew, it was ordered from the Appellate Court by the Court below, and was consistent with the statute.

Mr. Dittenhofer in the above matter on be-  
half of the accused urged on the opening of the hearing the  
indence did not make out a case of forgery against the  
accused. He stated that the law of England does not require  
the English evidence on the Winder case the law of  
Saxony must rule, or even if the law of Saxony was to pre-  
vail in the absence of proof of such law it must be pre-  
sumed that the law of Saxony was the law of the land.  
The evidence was not sufficient evidence to warrant the extradition  
ordered, and the other evidence was of doubtful char-  
acter, and the evidence showed him to have been a  
soldier and to have committed the crime of forgery  
in order to procure money due to him. Mr. Dittenhofer  
alluded to the Court on behalf of the accused as a soldier  
and exposed himself in defense of this country from the  
land of Saxony for the Government of Saxony, pointing

**SUPERIOR COURT—TRIAL TERM—JUNE 19-B.**  
Chief Justice Robertson.  
**LANDLORD'S RIGHTS.**  
Gilbert J. Bailey vs. Jacob I. Smith.  
The defendant had the plaintiff arrested before a Police Justice for breaking into the store of one of his tenants. The tenant had purchased the premises under the direction of the owner or lessor, Mr. Lewis. Mr. Bailey was on the examination bench during the trial, and did not bring the action for false imprisonment until after the trial. Judgment for the plaintiff. See A. H. Harvey for plaintiff; J. M. Fox for defendant.

**REPORT OF GENERAL SESSIONS—JUNE 18—Before  
Judge HOFFMAN.**  
John A. Canter, alias John Cassup, forger of  
State Prison ten years.  
George Morton, grand larceny.—State Prison five years.  
John Stanton, pleaded guilty of attempted grand larceny  
—State Prison two years.  
George W. Cuts, pleaded guilty of petit larceny.—I  
stary six months.  
John McCord, alias M. McCord, pleaded guilty of forgery in  
the second degree.—Remanded.  
John Price, Stephen Cassidy, and James Dudley, pe-  
nalty of assault with intent to rob.—Remanded.  
Agnes Morrison, pleaded guilty of attempted grand larceny  
—State Prison two years.  
Alexander Evans, pleaded guilty of grand larceny.—  
Remanded.  
George Harris, grand larceny.—State Prison five years.  
John Wood, preceptor.—State Prison two years and  
penalty.  
James H. Wood, forger in the fourth degree.—State Pri-  
son 10 years.

A REMARKABLE COW-SHEPHERD MARCHED OF  
 900 Miles.—There is a cow in Washington, D.  
 C., which marched with Sherman's army from At-  
 lanta during all the time, from Nov. 3, 1864,  
 to May 12, she averaged a gallop of half a day. As  
 when she was presented by General McPherson,  
 he began to the soldiers' honor roll the date of fast-  
 tington. Look may see here. The distance of  
 marches are: From Atlanta to Savannah, 475  
 miles; from Savannah to Goldsboro, 430  
 miles; from Goldsboro to Fort Fisher, 215  
 miles; from Cape Fear River to Washington via Eliza-  
 beth City, 242 miles. Total, 1,230. She traveled from

**ANNIVERSARY MEETING.**—A large meeting held last Sunday in the Fourteenth-st. Presbyterian Church, the occasion being the fourth annual of the Institute of Howard for Orphans of Patriotic Mothers was delivered by the Rev. James R. Patton, of the University of Chicago, and by other speakers, presenting the objects of the Institute, and enumerating the benevolent character of the efforts of some of its members. The Rev. Mr. Patton, in his address, read the annual report. It also contained a resolution to be held in a fraternalistic condition of mind, and that the work steadily progressing.